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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,297	09/21/1999	WATARU ITO	1982-0137P	3285

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 05/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

PLG

Office Action Summary

Application No.

09/400,297

Applicant(s)

ITO, WATARU

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DOV POPOVICI

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to communications filed on 01-March-2004, claims 1, 6, 11, and 16 are amended per applicant's request. Claims 1-20 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iizuka (U.S. Patent No. 5,664,030) in view of Mast (U.S. patent No. 5,881,287), and further in view of Wootton et al (U.S. Patent No. 5,870,471.)

As to claim 1, Iizuka teaches an image encrypting method (see Abstract, where "encrypting" is read on "encoding" and "scrambling") comprising:

a first process of inputting an image by reading an image file expressing the image (see column 2, lines 46-48);

a second process of dividing the image file into portion image data of a predetermined unit (see column 2, lines 49-64);

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a third process of generating information incidental to the portion image data (see column 11, line 62 through column 12, line 10), the incidental information including boundary information which expresses boundary dividing respective the portion image data (see column 17, lines 30-65, and see column 19, lines 28-55); and

wherein image-handling of the portion image data is performed on the basis of the incidental information (see column 25, line 30 through column 26, line 52.)

Iizuka does not teach process of encrypting every portion image data to provide every portion image data with security so that unauthorized access to the portion image data cannot be obtained without decrypting.

Mast teaches a method and apparatus for copy-protecting images in a computer system (see Abstract), in which he teaches process of encrypting every portion image data to provide every portion image data with security so that unauthorized access to the portion image data cannot be obtained without decrypting (see Abstract, see column 3, lines 50-57, where “unauthorized access to the portion image data cannot be obtained without decrypting” is read on “provides security for the image data up until the data is decrypted”, and see column 5, lines 26-32.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Iizuka to include process of encrypting every portion image data to provide every portion image data with security so that unauthorized access to the portion image data cannot be obtained without decrypting.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Iizuka by the teaching of Mast, because including

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process of encrypting every portion image data to provide every portion image data with security so that unauthorized access to the portion image data cannot be obtained without decrypting, would prevent unauthorized user access to any/all portions of an image, as taught by Mast (see Abstract, and see column 3, lines 50-57, and see column 5, lines 26-32.)

Iizuka as modified, still does not teach wherein the portion image data remains encrypted during the image handling.

Wootton et al teaches an image authentication algorithm (see Abstract), in which he teaches wherein the portion image data remains encrypted during the image handling (see column 2, lines 12-31, and see column 7, lines 3-10.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Iizuka as modified, to include wherein the portion image data remains encrypted during the image handling.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Iizuka as modified, by the teaching of Wootton et al, because including wherein the portion image data remains encrypted during the image handling, would enable the image to be encrypted at its source, where the authentication remains with the image regardless of its subsequent use, as taught by Wootton et al (see column 7, lines 8-10.)

As to claim 2, Iizuka as modified teaches the method further comprising:

a fifth process of generating an encrypted image file from encrypted portion image data generated in the fourth process (see Mast, column 7, lines 21-26) and the incidental

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information generated in the third process (see Iizuka, column 25, lines 63-67, where “portion” is read on “positional relationship”).)

As to claims 3, 8, 13, and 18, Iizuka as modified teaches wherein the encrypted image file (see Mast, column 7, lines 21-26) includes a plurality of marking means (see Iizuka, column 3, lines 38-42), each of the marking means being attached to respective encrypted portion image data (see Iizuka, column 19, lines 20-27) so as to identify respective boundaries between the encrypted portion image data in the encrypted image file (see Iizuka, column 19, lines 28-35, and see Mast, column 3, lines 42-46.)

As to claim 4, Iizuka as modified teaches wherein the incidental information is encrypted, and an encrypted image file including encrypted portion image data and encrypted incidental information is generated in the fourth process (see Iizuka, column 25, line 30 through column 26, line 52, where “encrypting” is read on “scrambling”, and see Mast, column 7, lines 21-26.)

As to claims 5, 10, 15, and 20, Iizuka as modified teaches wherein the incidental information includes each position information (see Iizuka, column 25, line 62 through column 26, line 46) of respective encrypted portion image data (see Mast, column 7, lines 21-26) in the encrypted image file and each size information of respective the encrypted portion image data (see Iizuka, column 3, lines 56-65.)

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As to claim 6, Iizuka teaches an image encrypting device (see Abstract, where “encrypting” is read on “encoding” and “scrambling”), comprising:

inputting means which inputs an image by reading an image file expressing the image (see column 2, lines 46-48);

image portion unit dividing means which divides the image file into portion image data of a predetermined unit (see column 2, lines 49-64);

encrypting means which encrypts the portion image data (see column 25, line 30 through column 26, line 52, where “encrypting” is read on “scrambling”);

identifier generating means which generates information incidental to the portion image data (see column 11, line 62 through column 12, line 10), the incidental information which expresses boundary dividing respective the portion image data (see column 17, lines 30-65, and see column 19, lines 28-55); and

file generating means which generates an image file on the basis of the portion image data encrypted by the encrypting means and the incidental information generated by the identifier generating means, wherein image-handling of the portion image data is performed on the basis of the incidental information (see column 25, line 30 through column 26, line 52.)

Iizuka does not teach process of encrypting every portion image data to provide every portion image data with security so that unauthorized access to the portion image data cannot be obtained without decryption.

Mast teaches a method and apparatus for copy-protecting images in a computer system (see Abstract), in which he teaches process of encrypting every portion image data to provide

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every portion image data with security so that unauthorized access to the portion image data cannot be obtained without decryption (see Abstract, see column 3, lines 50-57, where “unauthorized access to the portion image data cannot be obtained without decryption” is read on “provides security for the image data up until the data is decrypted”, and see column 5, lines 26-32.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Iizuka to include process of encrypting every portion image data to provide every portion image data with security so that unauthorized access to the portion image data cannot be obtained without decryption.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Iizuka by the teaching of Mast, because including process of encrypting every portion image data to provide every portion image data with security so that unauthorized access to the portion image data cannot be obtained without decryption, would prevent unauthorized user access to any/all portions of an image, as taught by Mast (see Abstract, and see column 3, lines 50-57, and see column 5, lines 26-32.)

For the teaching of “wherein the portion image data remains encrypted during the image handling”, the applicant is kindly directed to the remarks and discussion of this teaching by Wootton et al, made in claim 1 above.

As to claim 7, Iizuka as modified teaches, wherein the image file generated by the generating means is an encrypted image file (see Iizuka, column 25, lines 30-62, where “encrypted” is read on “scrambled”, and see Mast, column 7, lines 21-26.)

As to claim 9, Iizuka as modified teaches wherein the encrypting means encrypts the incidental information, and the file generating means generates the image file on the basis of the portion image data encrypted by the encrypting means and the incidental information encrypted by the encrypting means (see Iizuka, column 25, line 30 through column 26, line 52, where “encrypting” is read on “scrambling”, and see Mast, column 3, lines 50-57, and see column 5, lines 26-32.)

As to claim 11, Iizuka teaches a recording medium (see Abstract) on which are recorded image encrypting procedures (see column 2, lines 37-45. For the remaining steps of this claim, the applicant is directed to discussions and remarks made in claims 1 and 6 above.)

As to claims 12 and 17, Iizuka as modified teaches generating an encrypted image file (see Mast, column 7, lines 21-26) from encrypted portion image data generated in the fourth process and the incidental information generated in the third step (see Iizuka, column 25, line 30 through column 26, line 52.)

As to claims 14 and 19, Iizuka as modified teaches wherein the incidental information is encrypted, and an encrypted image file including encrypted portion image data and encrypted incidental information is generated in the fourth step (see Iizuka, column 25, line 30 through column 26, line 52, where “encrypting” is read on “scrambling”, and see Mast, column 3, lines 50-57, and see column 5, lines 26-32 .)

As to claim 16, Iizuka teaches a recording medium (see Abstract) on which an encrypted image file is recorded (see column 2, lines 37-45. For the remaining steps of this claim, the applicant is directed to discussions and remarks made in claims 1 and 6 above.)

Response to Arguments

4. Applicant's arguments filed on 01-March-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds for rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

May 5, 2004



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